IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 8930 of 2007(K)

PETITIONER:

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1. G.MARY,
   BLUE HOUSE, SANKAR HOSPITAL JUNCTION,
   KOLLAM.

2. JOSEPH THOMAS,
   PUSHPA MANDIRAM, CANTONMENT SOUTH, KOLLAM.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR

RESPONDENTS:

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1. REVENUE DIVISIONAL OFFICER,
   O/O. R.D.O. CIVIL STATION, KOLLAM.

2. THE EXECUTIVE ENGINEER,
   P.W.D. (ROADS & BUILDINGS),
   EXECUTIVE ENGINEER'S OFFICE, KOLLAM.

3. THE EXECUTIVE ENGINEER,
   NATIONAL HIGHWAY DIVISION,
   BYE PASS SUB DIVISION, KOLLAM.

BY GOVT. PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.8930 OF 2007

Dated this the 16th day of March, 2007

JUDGMENT

Heard.

2. The complaint of the petitioner is that a tree ( ) stands on a small parcel of Government land abutting a public road in between Sankers hospital and Upasana hospital in Kollam, which is aged above 300 years, is in such a stage that it may result in loss to life and property. The petitioner has made a complaint to the Revenue Divisional Officer and also to the authorities under the Public Works Department to take appropriate action for removal of the said tree.

3. It is not in the interest of the State or the citizens to have a tree removed unless in exceptionally exceptional circumstances it requires to be felt when it becomes in imminent danger to life and property. Otherwise, even if the tree is 300 years old and

even if it is , it deserves to stand. These are matters on which the competent authorities have to take a final decision.

In the aforesaid circumstances, this writ petition is disposed of directing that the representation of the petitioner would gain the attention of the PWD and the RDO and a final decision shall taken up in that, after obtaining the views of the competent officer in the Forest Department regarding the allegation of the petitioner that the tree is in such a stage that it requires to be fell. A final decision in accordance with law shall be take within an outer limit of four months from the date of receipt of a copy of this judgment.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.